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Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Working paper by the Chairman of the Preparatory Committee**

I. Preamble

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,

2. *Gravely concerned* at the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences on stability and development,

3. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations, threatens international humanitarian law and fuels crime and terrorism,

4. *Recognizing also* its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers,

5. *Concerned also* about the close link between terrorism, organized crime and the drug trade, on the one hand, and the uncontrolled spread of small arms and light weapons on the other, and stressing the importance of international efforts aimed at combating them,

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6. *Reaffirming* our respect for and commitment to the basic norms of international law and the principles enshrined in the Charter of the United Nations, including the sovereign equality of States, the peaceful resolution of disputes, non-intervention, and non-interference in the internal affairs of States,

7. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

8. *Bearing in mind* the right to self-determination of all peoples,

9. *Reaffirming also* the right of each State to import, produce and retain small arms and light weapons at levels consistent with its legitimate self-defence and security needs,

10. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council,

11. *Believing* that Governments bear the primary responsibility to intensify their efforts by developing an understanding of the illicit trade in small arms and light weapons in all its aspects and practical ways of addressing it,

12. *Recognizing* the necessity for cooperation and assistance to support and facilitate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

13. *Recognizing* that the international community has an obligation to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multifaceted and involves security, humanitarian and development dimensions,

14. *Recognizing also* the important contribution of civil society in general and non-governmental organizations in particular in preventing and reducing the excessive and destabilizing accumulation and spread of small arms and light weapons,

15. *Recognizing further* that these efforts are without prejudice to the positions taken by States on, or the importance allocated by them to, the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,

16. *Welcoming* the efforts being undertaken at the regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, while taking into account the characteristics, scope and magnitude of the problem in each region,[1]

17. *Recalling* the Millennium Declaration, and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,

18. *Recognizing* that the international Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition complements and reinforces efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

19. *Convinced* of the need for a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

20. *Resolve therefore* to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

(a) Strengthening or developing norms at the global, regional and national levels that would reinforce and further coordinate efforts to prevent and combat the illicit trade in small arms and light weapons in all its aspects;

(b) Developing agreed international measures to prevent and combat illicit arms trafficking in and manufacturing of small and light weapons and to reduce excessive and destabilizing accumulations and transfers of such weapons throughout the world;

(c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the proliferation of small arms and light weapons have to be dealt with urgently;

(d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, and raise awareness of the character and seriousness of the interrelated problems associated with the illicit trafficking in and manufacture of small arms and light weapons and the excessive and destabilizing accumulation and spread of these weapons;

(e) Promoting responsibility by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

2. To establish, where they do not exist, national coordination agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the spread, control, circulation, trade, collection, destruction and reduction of small arms and light weapons.

3. To establish a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.

4. To put in place adequate laws, regulations and administrative procedures to exercise effective control over the legal manufacture, stockpiling, transfer and possession of small arms and light weapons within their areas of jurisdiction. To ensure that those engaged in illegal manufacture, stockpiling, transfer and possession can and will be prosecuted under appropriate penal codes.

5. To ensure that manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This

marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number, so that the authorities concerned can identify and trace each weapon.

6. To adopt and enforce all necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons. All such weapons that have been collected, confiscated or seized should either be expeditiously destroyed or, where appropriate, adequately marked.

7. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons within their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.

8. To ensure accountability for, and the effective tracing of, all weapons owned and issued by the State.

9. To assess applications for export authorizations according to strict national or regional criteria that cover all categories of small arms and light weapons.

10. To put in place adequate laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons, including the use of authenticated end-user certificates, and enhanced legal and enforcement measures.

11. To make every effort, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to advise the original exporting State before the retransfer of those weapons.

12. To develop national systems for regulating the activities of those who engage in arms brokering. Such a system could include measures such as registration of brokers, licensing or authorization of brokering as well as the criminalization of all illicit brokering activities performed in their jurisdiction.

13. To supply small arms and light weapons only to Governments, either directly or through entities authorized to procure arms on behalf of Governments.

14. To treat any transfer of small arms and light weapons that violates a United Nations Security Council arms embargo as a crime, and to ensure that this is reflected in their domestic laws.

15. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed expeditiously, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition has been officially authorized, provided that such weapons have been marked and the form of this disposition has been recorded.

16. To ensure that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control

of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or losses.

17. To regularly review the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks surplus to requirements are clearly identified, and that programmes for the responsible and expeditious disposal, normally through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

18. To destroy surplus small arms and light weapons using internationally accepted and effective procedures and in accordance with effective and environmentally sound procedures. Surplus weapons retained for other purposes will be permanently disabled and decommissioned.

19. To encourage States, in the interests of awareness-raising and confidence-building, to carry out public destruction events.

20. To seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes.

21. To develop and implement, where they do not exist, effective disarmament, demobilization and reintegration programmes in post-conflict situations.

22. To make public or submit to relevant regional and international organizations, in accordance with their national practices, information on, inter alia: (a) small arms and light weapons confiscated or destroyed within their jurisdiction; (b) national laws and regulations and processes that impact on the prevention and reduction of the illicit trade in small arms and light weapons; and (c) any other information such as illicit trade routes and techniques that can contribute to the eradication of the illicit trade in small arms and light weapons.

23. To encourage States to undertake public awareness programmes to reduce the demand for small arms and light weapons.

At the regional level

24. To establish a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

25. To encourage negotiations with the aim of concluding legally binding instruments and, where they do exist, ratification and full implementation of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects.

26. To strengthen and establish, where appropriate and as agreed by the States concerned, regional or subregional moratoria on the transfer and manufacture of small arms and light weapons and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria and/or action programmes and cooperate with the countries concerned in the implementation thereof, including through technical assistance and other measures.

27. To establish, where appropriate, subregional or regional mechanisms, in particular transborder customs cooperation and networks for information-sharing among law-enforcement, border and customs control agencies with a view to

containing and reducing the illicit trade in small arms and light weapons across borders.

28. To encourage regional and subregional action on small arms and light weapons in order to introduce or strengthen relevant laws, regulations and administrative procedures.

29. To prevent and remove avoidable inconsistencies or incoherence between various measures and procedures at the regional, subregional and global levels which could underr ne the overall effectiveness of preventing, combating and eradicating the illicit t de in small arms and light weapons in all its aspects.

30. To develop appropriate measures to enhance transparency with respect to small arms and light weapons transfers, as a confidence-building measure and with a view to combating their illicit trade.

At the global level

31. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council.

32. To request the Secretary-General of the United Nations, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis on small arms and light weapons, including national reports, at appropriate intervals, on implementation of the Programme of Action.

33. To request the Secretary-General of the United Nations, through the Department for Disarmament Affairs, to develop a reference manual on ecologically safe methods of small arms and light weapons destruction.

34. To support the disarmament and demobilization of ex-combatants and their subsequent rehabilitation and reintegration into civil society and, in that context, the collection and destruction of illegally held small arms and light weapons, as well as the destruction of surpluses, and the inclusion, where required, of specific provisions in peace agreements.

35. To develop international arrangements and a legally binding instrument to enable the timely and reliable tracing of lines of supply by relevant authorities.

36. To encourage States and the World Customs Organization, as well as other relevant organizations, to consider enhanced cooperation with the International Criminal Police Organization — Interpol — to identify groups and individuals engaged in the illicit trade of small arms and light weapons.

37. To develop common understandings of the basic issues and the scope of the problems related to illicit arms brokering with a view to regulating the activities of those engaged in arms brokering.

38. To encourage the relevant international and regional organizations and States to facilitate cooperation with civil society, including non-governmental organizations, in activities related to small arms and light weapons, in view of the important role that civil society plays in efforts to raise awareness of and address the problems associated with such weapons.

39. To promote a culture of peace by encouraging education and public awareness programmes on the problems of illicit trade in small arms and light weapons, involving all sectors of society.

III. Implementation, international cooperation and assistance

1. We, the States participating in the Conference, recognize that the responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States, regardless of their role in the situation. We also recognize that this illicit trade cannot be prevented or reduced by States alone.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with small arms and light weapons issues, at the global, regional, subregional and national levels.

3. The international community undertakes to render assistance, to the extent possible, to enable the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States, international and regional organizations should assist and promote conflict prevention measures and the pursuit of negotiated solutions to conflicts wherever possible.

5. Regional organizations should establish and/or build upon established partnerships to share resources and information on the illicit arms trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States, international and regional organizations should assist in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing, stockpile management and security, destruction of weapons and the collection and exchange of information.

7. States should enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and subregional levels.

8. International programmes for specialist training on small arms stockpile management and security should be developed. The United Nations and other appropriate international or regional organizations should consider establishing and developing training facilities and programmes in this area.

9. States are encouraged to use the facilities of Interpol, in particular through the timely and complete provision of information to its International Weapons and Explosives Tracking System (IWETS) database or to any other database that may be developed.

10. International cooperation to examine technologies, which are both affordable and accessible to all producers, and which would improve the tracing and detection of small arms and light weapons, should be encouraged.

11. States undertake to cooperate with each other, including on the basis of existing regional legally binding instruments and with relevant international,

regional and intergovernmental organizations, in tracing illicit small arms and light weapons, particularly by strengthening mechanisms based on the exchange of information.

12. States undertake to exchange information on their national marking systems on small arms and light weapons.

13. States further undertake to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks of small arms and light weapons.

15. Upon request, States should support, in cooperation with other international efforts, stockpile management and security programmes and training.

16. With respect to regions and subregions where conflicts have ended and where serious problems are experienced with excessive and destabilizing accumulations and spread of small arms and light weapons, the relevant regional and international organizations should support, within available resources, all appropriate post-conflict programmes related to the disarmament, demobilization and reintegration of former combatants.

17. With respect to such regions and subregions, greater efforts should be made to address the security aspects of development.

18. States, regional and subregional organizations, research centres and civil society are urged to develop and fund action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects, providing, whenever possible, the basis for continued advocacy and action on preventive measures and evaluating the impact of these measures.

IV. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

(a) To convene a Review Conference no later than 2006 to review progress made in the implementation of the Programme of Action;

(b) To convene a meeting of States on a biannual basis to consider the national and regional implementation of the Programme of Action;

(c) To strengthen and further develop measures contained in the Programme of Action, including negotiation of an international instrument to identify and trace the lines of supply of small arms and light weapons;

(d) To consider the elaboration of an international instrument to restrict the production and trade in small arms and light weapons to registered manufacturers and brokers duly licensed or otherwise authorized by Governments.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

(a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;

(b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;

(c) Further encourage non-governmental organizations and civil society to be engaged as partners, as appropriate, in all aspects of international, regional, subregional and national efforts to implement this Programme of Action.

Notes

[1] See the annex for regional and subregional initiatives.

Annex

Initiatives undertaken at the regional and subregional levels to address the illicit trade in small arms and light weapons

- In June 1998, the Organization of African Unity (OAU) adopted a decision on the proliferation of small arms and light weapons, stressing the role that OAU should play in coordinating efforts to address the problem in Africa and requesting the Secretary-General of OAU to prepare a comprehensive report on the issue.

- Decision on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons adopted by the Heads of State and Government of OAU at its thirty-fifth ordinary session, held at Algiers in July 1999 (see A/54/424, annex II).

- From 30 November to 1 December 2000, OAU held a Ministerial Meeting at Bamako on the issue of small arms and light weapons. The meeting adopted the **Bamako Declaration** (A/CONF.192/PC.23).

- First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, May 2000.

- International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, June 2000.

- Summit of Heads of State and Government of the Southern African Development Community, Namibia, August 2000.

- Decision by the Council of Ministers of the Southern African Development Community to conclude its negotiations on a protocol on the control of firearms, ammunition and other related materials in the region of the community.

- Decision by the States members of the Economic Community of West African States to implement their agreement on a moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa.

- The Great Lakes and Horn of Africa Conference on the Proliferation of Small Arms, attended by the Foreign Ministers of all 10 countries of the region, met at Nairobi in March 2000 and adopted the **Nairobi Declaration**.

- In November 1997, the States members of the Organization of American States (OAS) signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. The Convention, which came into force in 1998, sets forth a set of substantial measures to combat illicit arms trafficking. The Convention has been reinforced by the adoption by the States members of the OAS Inter-American Drug Abuse Control Commission of model regulations for the control of the international movement of firearms, their parts, components and ammunition.

- In April 1998, the Presidents of the States members (Argentina, Brazil, Paraguay and Uruguay) of the Common Market of the Southern Cone (MERCOSUR) and associated States (Bolivia and Chile) signed a joint

Declaration, agreeing to create a joint register mechanism of buyers and sellers of firearms, explosives, ammunition and related materials.

- The Regional Preparatory Meeting of the Latin American and Caribbean States for the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held at Brasilia from 22 to 24 November 2000. The **Brasilia Declaration** was adopted at the meeting.

- In June 1999, the First Summit Conference of Heads of State and Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro, Brazil, adopted the **Declaration of Rio de Janeiro**.

- In June 1999, a workshop was held at Lima on the topic "Illicit Traffic in Small Arms: Latin American and Caribbean issues". The workshop was part of the Secretary-General's mandate under General Assembly resolution 53/77 T of 4 December 1998 to conduct broad-based consultations on illicit trafficking in small arms.

- The establishment, by the States parties to the Inter-American Convention, of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

- The Organization of Security and Cooperation in Europe (OSCE) adopted the OSCE Document on Small Arms and Light Weapons in November 2000.

- The adoption by the European Union of the Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and the other initiatives undertaken, such as the Joint Action on Small Arms, which has been endorsed by several Member States not members of the European Union.

- Seminar of the Forum for Security Cooperation on Small Arms and Light Weapons, Vienna, April 2000.

- Conference on Export Controls, Sofia, December 1999.

- Workshop on Small Arms and Light Weapons: Possible Contribution to the Stability Pact for South-eastern Europe, Slovenia, January 2000.

- Meeting of the Working Table on Security Issues of the Stability Pact for South-eastern Europe, Bosnia and Herzegovina, February 2000.

- Workshop on Stockpile Management and Security of Small Arms and Light Weapons, Thun, Switzerland, March 2000.

- The Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, co-hosted by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, and the Governments of Indonesia and Japan, was held at Jakarta in May 2000. The Seminar made a positive contribution to the debate on illicit trafficking in small arms and light weapons in general, and in particular to the efforts of the Association of South-East Asian Nations (ASEAN) and its member States.

- The Asia Regional Workshop on Small Arms was held at Tokyo in June 2000, as part of the informal consultations in the context of the preparatory process for the 2001 United Nations Conference in the Asian region.

- A Conference entitled "Countering Small Arms and Light Weapons Proliferation in South Asia", organized by the Governments of Canada and Sri Lanka and the Colombo-based Regional Centre for Strategic Studies, in collaboration with the United Nations Department for Disarmament Affairs, was held at Colombo in June 2000. It was the first such meeting in South Asia to discuss the issue of small arms as well as others related to the 2001 Conference.
- Pacific Islands Forum paper on small arms: "The Interests and Involvement of Pacific Island Forum Countries".
- Meeting of the South Pacific Chiefs of Police and the Oceania Customs Organisation subcommittee, Fiji, March 2000.
- Second Ministerial Meeting of the Human Security Network, Lucerne, Switzerland, 11-12 May 2000.
- Workshop on Traceability of Small Arms and Light Weapons: Tracing, Marking and Record-Keeping, Geneva, 12-13 March 2001.
- NATO/EAPC Workshop on Small Arms and Light Weapons: Export Controls and Small Arms and Light Weapons Transfers, Brussels, 16-17 March 2000.
- EAPC/PfP Workshop in support of the South-East Europe Initiative (SEEI) on Regional Cooperation in South-East Europe and the Challenge of Small Arms and Light Weapons, Ohrid, the former Yugoslav Republic of Macedonia, 22-23 June 2000.
- NATO/EAPC Experts Workshop on Export Control of Small Arms and Light Weapons, Brussels, 21 November 2000.
- PfP Training Course on Stockpile Management and Security of Small Arms and Light Weapons, Brugg, Switzerland, 28 May-June 2001.
- Workshop on Small Arms and Light Weapons: Practical Challenges for the Implementation of Current Undertakings in OSCE and in EAPC, Baku, 21-22 June 2001.